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**OFFICIAL**

**FACSIMILE COVER LETTER**

**To:** Examiner Thai Tran  
**Firm:** USPTO  
**Facsimile:** 703-746-5735 and 703-872-9314  
**From:** Dennis M. Smid  
**Date:** November 13, 2003  
**Re:** USSN 09/635,480  
**Number of Pages:** 9  
(including cover page)  
**cc:**

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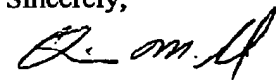
If you do not receive all pages or are unable to read the transmission, please call and ask for Michelle Ekanemesang (Ext. 2197).

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Dear Examiner Tran:

Per our conversation today, enclosed is a copy of the originally submitted declaration.

Sincerely,



Dennis M. Smid

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**CONFIDENTIALITY NOTICE**

The documents accompanying this transmission contain confidential information intended for a specific individual and purpose. The information is private, and is legally protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this facsimile is strictly prohibited.

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PATENT  
450100-2922.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Yuka Oikawa

Application to  
Reissue Patent No.: 5,434,677

Issued: July 18, 1995

For: DIGITAL VIDEO SIGNAL REPRODUCING APPARATUS  
WITH HIGH-SPEED PLAY MODE

DECLARATION OF YUKA OIKAWA

As a below-named inventor, I hereby declare that:

1. My residence, post office address and citizenship are as stated below next to my name.

2. I verily believe myself to be the original, first and joint inventor of the invention described and claimed in Letters Patent No. 5,434,677 and in the specification filed herewith for which I solicit a patent.

3. I hereby state that I have reviewed and understand the contents of the aforementioned specification, including the claims.

4. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

5. I hereby claim foreign priority benefits under Title 35, United States Code § 119 of Application Number 04-359522 filed in Japan on December 25, 1992 and Application Number 05-056576 filed in Japan on February 22, 1993 and that no other application for patent or inventor's certificate or any PCT

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international application was filed by me on the same subject matter prior to December 23, 1992.

6. I do not know and do not believe that the invention was ever known or used in the United States of America before my invention thereof.

7. I verily believe the original Letters Patent to be wholly or partly inoperative or invalid by reason of my claiming more or less than I had right to claim in the patent by

(a) including in the apparatus of claim 1 of the original patent the recitation "said heads being constructed either as a double azimuth head assembly or as a pair of heads angularly separated by  $180^\circ$ ", and including in the apparatus of such claim the recitation "tape transport means for transporting said magnetic tape at a second speed equal to  $(mxn \pm 1)$  times said first speed, where  $n$  is an integer other than zero,  $l=0.5$  when said pair of heads comprise said double azimuth head assembly and  $l=0.25$  when said heads are angularly separated by  $180^\circ$ " instead of the recitation "a tape transportor for transporting said magnetic tape at a second speed equal to  $(mxn \pm 1)$  times said first speed, where  $n$  is an integer other than zero, and  $l$  has a predetermined value depending upon the configuration of the heads";

(b) failing to claim an apparatus as in paragraph 7(a), wherein the value of  $l$  is either 0.25 or 0.50;

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(c) including in the apparatus of claim 9 of the original patent the recitation of "and the blocks of a frame having been recorded in shuffled form with respect to each other";

(d) including in the apparatus of claim 15 of the original patent the recitation "and the blocks of a frame having been recorded in shuffled form with respect to each other", including in the apparatus of such claim the recitation "a pair of rotary magnetic heads disposed in a double azimuth head assembly and admitting of respectively different azimuth angles" instead of the recitation "a pair of rotary magnetic heads having respectively different azimuth angles"; and including in the apparatus of such claim the recitation "tape transport means for transporting said magnetic tape at a fast playback speed equal to  $(mxn \pm 1)$  times said recording speed, where  $n$  is an integer other than zero,  $l=0.5$  when said apparatus exhibits a data read-out rate determined to be at least 50% and  $l=0.25$  when said apparatus exhibits data read-out rate determined to be less than 50%" instead of the recitation "a tape transportor for transporting said magnetic tape at a fast playback speed equal to  $(mxn \pm 1)$  times said recording speed, where  $n$  is an integer other than zero, and  $l$  is a value depending upon a data read-out rate"; and

(e) failing to claim an apparatus as in paragraph 7(d), wherein the value of  $l$  is either 0.25 or 0.50.

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understand the claims of the originally filed United States application which issued into the original patent; but the subject matter of these claims as well as the subject matter of the originally filed U.S. application were explained to me. My lack of familiarity and understanding of United States patent matters led me to believe that the patent protection sought by the originally filed U.S. application, as explained to me, covered the apparatus described in paragraphs 7(a) to 7(e) above. I was not kept informed of the prosecution of the U.S. application and, thus, did not have an opportunity to determine if the claims that were amended by the December 19th amendment

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properly and adequately claimed my invention. I believe that the failure of the U.S. application to claim my invention with the proper scope was due to the failure of my Japanese and United States patent representatives to understand and fully appreciate my invention.

11. Because I am not very familiar with patent matters and do not have particular expertise in interpreting the scope of United States patents or in understanding United States patents, I did not appreciate that the apparatus described in paragraphs 7(a) to 7(e) were not particularly claimed. I did not appreciate that the subject matter which I believed was my invention was not claimed and because of my unfamiliarity with patent matters, I erroneously assumed that the claims of the original patent did not claim more or less than I had a right to claim.

12. The fact that the apparatus described in paragraphs 7(a) to 7(e) above were not claimed in the original patent are errors. Some of these errors arose at the time of filing of the original application and were not recognized or corrected during the prosecution of the original application, other errors arose as a result of the December 19th Amendment. All of these errors arose without any deceptive intention on my part.

13. The errors which this application seeks to correct were uncovered as follows: On or about May, 1997, after the issuance of the original patent, one of the in-house patent

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representatives of the assignee of said patent recognized the commercial significance of the invention disclosed in said patent and, to insure that said patent adequately covered the broad invention disclosed therein, reviewed the claims of said patent to determine if it adequately covered such invention. Such review led to the conclusion that the claims in said patent do not adequately and properly claim the broad invention.

14. The errors noted above are corrected by the submission of amended claims 1, 9, and 15 and new claims 21 and 22 in this application. That is, such amended and new claims claim the apparatus described in paragraphs 7(a) to 7(e) and erroneously omitted from the claims of the original patent. Dependent claims 2, 5, and 16 are amended so as to be consistent with the amended independent claims 1 and 15 from which claims 2, 5, and 16 depend.

15. Amended claims 1, 9, and 15 and new claims 21 and 22 submitted with this application particularly point out the subject matter which I considered my invention and round out the scope of protection to which I am entitled. By the omission of such claims the original patent claims less than I had a right to claim.

I hereby appoint William S. Frommer, Registration No. 25,506, and Curtis, Morris & Safford, P.C., Registration No. 12,761, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this

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application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following address:

William S. Frommer, Esq.  
c/o Curtis, Morris & Safford, P.C.  
530 Fifth Avenue  
New York, New York 10036

Direct all telephone calls to: (212) 840-3333 to the attention of William S. Frommer, Esq.

Wherefore I pray that I may be allowed to surrender the Letters Patent No. 5,434,677 granted July 18, 1995, whereof Sony Corporation, on whose behalf and with whose assent this application is made, is the sole owner, by Assignment, and that Letters Patent may be reissued to Sony Corporation for the same invention upon the attached specification.

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I, the undersigned applicant, further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Yuka Oikawa  
Yuka Oikawa

August 12, 1997  
Date

Residence: Chiba, Japan

Citizenship: Japan

## Post Office Address of Inventors:

Sony Corporation  
P.O. Box 5100, Tokyo International  
Tokyo 100-31  
Japan